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FISCAL IMPACT STATEMENT

LS 6113

BILL NUMBER: SB 86

NOTE PREPARED: Jan 29, 2008

BILL AMENDED: Jan 28, 2008

SUBJECT: Sex and Violent Offender Registry.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It establishes a three-tier system for sex offenders and requires offenders: (1) in Tier 3 to register for life; (2) in Tier 2 to register for 25 years; and (3) in Tier 1 to register for 15 years.
- B. It permits Tier 1 offenders to reduce their registration period by five years if they meet certain requirements, and establishes a judicial procedure to implement this reduction. It classifies persons convicted of Class A or Class B felonies violent offenders if the difference between the person's release date and the person's post-incarceration supervision is less than sixty (60) days due to facility rule violations, and provides that violent offenders are required to register for life.
- C. It requires the Department of Correction (DOC) to determine the appropriate classification and registration period for sex or violent offenders and establishes a judicial procedure to challenge the Department's determination.
- D. It specifies that persons who commit criminal deviate conduct in a correctional facility are required to register as a sex or violent offender.
- E. It requires local law enforcement to notify schools, public housing agencies, and other organizations in each county a sex offender registers when the offender registers or updates a registration.
- F. It makes numerous changes to the sex and violent offender registration requirements.

(The introduced version of this bill was prepared by the Sentencing Policy Study Committee.)

Effective Date: July 1, 2008.

Explanation of State Expenditures: The bill requires the Department of Correction to determine the appropriate classification and registration period for sex or violent offenders.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Under current law, Indiana has a ten-year period for registration for sex offenders and a lifetime requirement for sexually violent predators.

As proposed, this bill would put Indiana in compliance with federal requirements for the Adam Walsh Act requiring offenders to register for a minimum 15 years adding a second tier of offenders who would be required to register for 25 years.

Any additional costs for the local law enforcement agencies will depend on the number of offenders who will be required to register for longer periods of time. *This portion of the fiscal note will be updated with more information estimating the number of offenders who would be in each tier.*

In December 2007, 9,092 persons were required to register in the sex offender registry. The following table shows which felonies would be in Tiers I, II, and III.

Proposed Tiers by Felony Level and Offense				
Offense	Class A	Class B	Class C	Class D
Rape or criminal deviate conduct IC 35-42-4-1,2	Tier III	Tier III		
Child molesting IC 35-42-4-3 (a)		Tier III		
Child molesting IC 35-42-4-3 (a)(1)(2)(3)	Tier III			
Child molesting IC 35-42-4-3 (b)			Tier II	
Child molesting IC 35-42-4-3 (b) (1)(2)(3)	Tier III			
Child exploitation IC 35-42-4-4 (b)			Tier II	
Child Pornography IC 35-42-4-4 (c)				Tier I
Vicarious sex gratification IC 35-42-4-5 (a)				Tier II
Vicarious sex gratification IC 35-42-4-5 (a)(1)			Tier III	
Vicarious sex gratification IC 35-42-4-5 (a)(2)		Tier III		
Vicarious sex gratification IC 35-42-4-5 (a)(3)	Tier III			
Vicarious sex gratification IC 35-42-4-5 (b)	Tier III	Tier III	Tier I	
Vicarious sex gratification IC 35-42-4-5 (c)				Tier I
Sexual conduct in presence of minor IC 35-42-4-9(c)				Tier I
Child solicitation IC 35-42-4-6(b)		Tier II	Tier II	Tier II
Child solicitation IC 35-42-4-6(c)		Tier II	Tier II	Tier II
Child seduction IC 35-42-4-7				Tier II
Sexual misconduct with a minor IC 35-42-4-9(a)			Tier I	
Sexual misconduct with a minor IC 35-42-4-9(a)(1)		Tier II		
Sexual misconduct with a minor IC 35-42-4-9(a)(2)	Tier III			
Sexual misconduct with a minor IC 35-42-4-9(b)				Tier I
Sexual misconduct with a minor IC 35-42-4-9(b)(1)			Tier II	
Sexual misconduct with a minor IC 35-42-4-9(b)(2)		Tier III		
Sexual conduct in presence of minor IC 35-42-4-9(c)				
Incest IC 35-46-1-3 if victim younger than 16		Tier III	Tier I	
Incest IC 35-46-1-3 if victim 16 or older			Tier II	
Sexual battery IC 35-42-4-8 (a) if victim younger than 14			Tier III	Tier III
Sexual battery IC 35-42-4-8 (b)if victim between 14 & 18			Tier II	Tier II
Kidnaping of person younger than 18	Tier III			
Criminal confinement of person less than 18		Tier III		
Possession of child pornography				Tier I
Promoting Prostitution IC 35-45-4-4		Tier II		
Promoting Human Trafficking IC 35-42-3.5-1(a)(1)				
Promoting Human Trafficking IC 35-42-3.5-1(a)(2)		Tier II		
Sexual Trafficking of minor IC 35-42-3.5-1(b)	Tier II			
Human Trafficking if victim < 18 IC 35-42-3.5-1(c)			Tier II	

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Local law enforcement agencies.

Information Sources: Department of Correction.

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